IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

MONDAY, THE 28TH MAY 2007 / 7TH JYAISHTA 1929

MFA.No. 854 of 1998(B)

(AGAINST THE AWARD IN OP.2094/1992 of M.A.C.T.,KOZHIKODE)
.....

APPELLANT: PETITIONER:

T.ASHRAF, S/O.SAIDU, AGED 24 YEARS,
RESIDING AT THADATHUMMAL HOUSE,
CHATHAMANGALAM P.O., KOZHIKODE.

BY ADV. SRI.K.A.SALIL NARAYANAN

RESPONDENTS: RESPONDENTS:

***1. MOIDEEN KUNDUKULI,**
S/O.ALAVI HAJI, KALAKATTU HOUSE,
ERUVETTY, CHENGARA, MALAPPURAM DISTRICT.(DELETED)

***2. K.K.SHOUKKATHALI, AGED 27 YEARS,**
S/O.MUHAMMED, PALATHPARA,
URNGATTIRI AREECODE,
MALAPPURAM DISTRICT.(D E L E T E D)

***R1 AND R2 ARE DELETED FROM THE ARRAY OF RESPONDENTS AS PER ORDER DTD. 25/05/2007 IN I.A.NO.912/07.**

3. UNITED INDIA INSURANCE COMPANY LIMITED.,
POST BOX NO.11, UP HILL ROAD,
MALAPPURAM DISTRICT.

BY ADV. SRI.N.NANDAKUMARA MENON for R3

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 28/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.F.A.No.854 OF 1998

Dated 28th May, 2007

JUDGMENT

Koshy,J.

A 24 year old young man met with a motor accident by which he sustained minor injuries. The date of accident is 22.4.1992. He produced Ext.C1 certificate dated 10.3.1995 to show that he has 5% permanent disability. Ext.A2 is the wound certificate and Ext.A3 is the O.P. Ticket. O.P. Ticket shows that no inpatient treatment was taken. However, the Tribunal accepted the medical certificate. According to the appellant, he was a jeep driver by profession, but, no driving licence or any other material was produced to show that he was a driver by profession or he has any employment. The accident occurred prior to the framing of the second schedule and Rs.1,200/= was taken as notional wages and compensation was calculated. In fact, 18 was taken as the multiplier even though going by second schedule it can be only 17. Rs.10,000/= was awarded for pain and suffering. The tribunal has also awarded 12% interest from the date of application. Considering the total amount awarded, we see no ground to interfere with

the award as more than just and reasonable compensation was awarded.

The appeal is dismissed.

J.B.KOSHY
JUDGE

K.P.BALACHANDRAN
JUDGE

tks